

REMARKS

Claims 10-27 will be pending in the current Application upon entering this amendment. Claims 10, 14, 16, 17, and 18 have been amended; and claims 19-29 have been added. (Claims 1-9 were previously cancelled.) Applicants submit that the amendments do not add new matter to the current Application. All the amendments herein have been made in order to clarify the claims and not for prior art reasons. Applicants also submit that (1) no amendment made was related to the statutory requirements of patentability unless expressly stated herein, and (2) no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants still have not received an initialed copy of the PTO SB/08 form submitted with the filing of this divisional. Therefore, Applicants submit that the Examiner initial the PTO SB/08 form and return it to the Applicants. Note that the references cited on this PTO SB/08 form correspond to those previously submitted for the parent application having serial number 09/641,002 filed on August 17, 2000.

Applicants respectfully submit that claims 10 - 27 are patentable over US Patent No. 6,392,258 (hereinafter referred to as Hirata). With respect to claim 10, Applicants submit that Hirata does not teach or suggest each and every element of claim 10. For example, Applicants have amended claim 10 to further include that the emitter layer is not in physical contact with the base contact. Hirata does not teach or suggest this limitation. Referring to FIG. 3(b) of Hirata, the base contact 9 is clearly in physical contact with the emitter layer 5. Therefore, for at least these reasons, Applicants submit that claim 10 is patentable over Hirata. Claims 11-13 depend directly or indirectly from allowable claim 10 and are therefore also allowable for at least those reasons provided above with respect to claim 10.

With respect to claim 14, Applicants submit that claim Hirata does not teach or suggest each and every element of claim 14. The Examiner, in the Response to Amendment, states that "the claim does not mention the base contacts are laterally spaced apart from the *entire* emitter layer." Therefore, Applicants have amended claim 14 to include that the base contacts "are laterally spaced apart from the entire emitter layer" to further clarify claim 14. Hirata also does not teach or suggest this limitation. For example, as seen in FIGs. 3(a) and 3(b) of Hirata, base

electrode 9 is in contact with emitter layer 5 and is therefore not laterally spaced apart from the entire emitter layer. For example, as seen in reference to FIGs. 6 and 7 of the current Application, base contact 660 may be laterally spaced apart from the entire emitter layer 280, thus leaving a region AA between base contact 660 and emitter layer 280. Therefore, for at least these reasons, Applicants submit that claim 14 is patentable over Hirata. Applicants have also added new claims 19 and 20 which are similar to claims 11 and 13 but which depend from claim 14. Therefore, Applicants submit that claims 15, 19, and 20 are also allowable for at least those reasons provided with respect to claim 14.

Applicants have also amended claim 16 to include that the emitter layer is not in physical contact with the base layer. Hirata also does not teach or suggest this limitation. For example, referring to FIG. 3(b) of Hirata, the base contact 9 is clearly in physical contact with the emitter layer 5. Therefore, for at least these reasons, Applicants submit that claim 16 is patentable over Hirata. Applicants have also added claims 21-24 dependent from claim 16 and submit that claims 21-24 are also allowable for at least those reasons that apply to claim 16.

Applicants have also amended claim 17 to further clarify that the base contact is laterally spaced apart from the entire emitter layer. Hirata also does not teach or suggest this limitation. For example, as seen in FIGs. 3(a) and 3(b) of Hirata, base electrode 9 is in contact with emitter layer 5 and is therefore not laterally spaced apart from the entire emitter layer. For example, as seen in reference to FIGs. 6 and 7 of the current Application, base contact 660 may be laterally spaced apart from emitter layer 280, thus leaving a region AA between base contact 660 and emitter layer 280. Therefore, for at least these reasons, Applicants submit that claim 17 is patentable over Hirata. Applicants have also added claims 26 and 27 dependent from claim 17 and submit that claims 25 and 26 are also allowable for at least those reasons that apply to claim 17.

Applicants have also amended claim 18 to include that the emitter layer is not in physical contact with the base layer. Hirata also does not teach or suggest this limitation. For example, referring to FIG. 3(b) of Hirata, the base contact 9 is clearly in physical contact with the emitter layer 5. Therefore, for at least these reasons, Applicants submit that claim 18 is patentable over Hirata. Applicants have also added claims 27-29 dependent from claim 18 and submit that claims 27-29 are also allowable for at least those reasons that apply to claim 18.

Conclusion

Although Applicants may disagree with statements made by the Examiner in reference to the claims and the cited references, Applicants are not discussing all these statements in the current Office Action, yet reserve the right to address them at a later time if necessary.

Applicants respectfully solicit allowance of the pending claims. Contact me if there are any issues regarding this communication or the current Application.

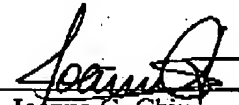
If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc..

Respectfully submitted,

SEND CORRESPONDENCE TO:

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